

Natchez Trace Youth Academy
Universal Health Services
POLICIES AND PROCEDURES

Chapter: PREA
Subject: PREA Policies and Procedures
Policy Number: 1

I. Prison Rape Elimination Act (PREA) Facility Policy

Purpose: To see that incidents or suspected incidents of physical abuse, sexual abuse, sexual harassment, retaliation by other juveniles or staff for reporting sexual abuse or sexual harassment, and staff neglect or violation of responsibilities that may have contributed to such incidents are reported to the appropriate agency for proper investigation.

Definitions: As used in this policy, the following definitions shall apply:

- a. Abuse Response Team- A.R.T.: unit charged with receiving reports regarding incidents
- b. NTYA: Natchez Trace Youth Academy
- c. Direct care staff supervision: supervision by staff in the same room with, or within reasonable hearing distance, of the youth.
- d. Exigent circumstances: any set of temporary and unforeseen circumstances that require immediate action in order to combat a threat to the security or institutional order of the program
- e. Child Protective Services- CPS: the agency that receives and conducts investigations of allegations of child abuse and neglect
- f. Gender non-conforming: the appearance or manner of a person that does not conform to traditional societal gender expectations
- g. Intersex: a person's sexual or reproductive anatomy or chromosomal patterns that does not seem to fit typical definitions of male or female. Intersex medical conditions are sometimes referred to as disorders of sex development.
- h. LGBTI- lesbian, gay, bi-sexual, transgender, and intersex
- i. Medical practitioner: a health professional who, by virtue of education, credentials, and experience, is permitted by law to evaluate and care for patients within the scope of his or her professional practice act. A "qualified medical practitioner" refers to such a professional who has also successfully completed specialized training for treating sexual abuse victims.
- j. Mental health practitioner: a licensed mental health professional who by virtue of education, credentials, and experiences, is permitted by law to evaluate and care for patients within the scope of his or her professional practice act. A "qualified mental health practitioner" refers to a license mental

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- health professional that has also successfully completed specialized training for treating sexual abuse victims.
- k. Pat-down search: a running of the hands over the clothed body of a youth by staff to determine whether the individual possesses contraband.
 - l. PREA- Prison Rape Elimination Act: the US Department of Justice final rule of national standards to prevent, detect, and respond to sexual abuse and sexual harassment in juvenile facilities; 28 C.F.R. Part 115.
 - m. PREA Facility Compliance Manager (PFCM): designated person in each facility responsible for coordinating the facility's efforts to comply with PREA standards.
 - n. Direct care staff: Staff primarily responsible for the supervision and control of youth in housing units, recreational areas, dining areas, and other program areas of the facility.
 - o. Sexual Abuse by a youth: includes any of the following acts, if the victim does not consent, is coerced into such acts of overt or implied threats of violence, or is unable to consent or refuse:
 - 1. Contact between the penis and the vulva or the penis and the anus, including penetration, however slight:
 - 2. Contact between the mouth and the penis, vulva, or anus:
 - 3. Penetration of the anal or genital opening of another person, however slight, by a hand, finger, object, or other instrument; and
 - 4. Any other intentional touching, either directly or through the clothing, of the genitalia, anus, groin, breast, inner thigh, or the buttocks of another person; excluding contact incidental to a physical altercation.
 - p. Sexual abuse by a staff member, contractor, or volunteer:
 - 1. Contact between the penis and the vulva or the penis and the anus, including penetration, however slight:
 - 2. Contact between the mouth and the penis, vulva, or anus:
 - 3. Contact between the mouth and any body part where the staff member, contractor or volunteer has the intent to abuse, arouse, or gratify sexual desire;

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4. Penetration of the anal or genital opening of another person, however slight, by a hand, finger, object, or other instrument, that is unrelated to official duties or where the staff member, contractor, or volunteer has the intent to abuse, arouse, or gratify sexual desire;
 5. Any other intentional contact, either directly or through the clothing of or with the genitalia, anus, groin, breast, inner thigh, or the buttocks, that is unrelated to official duties or where the staff member, contractor, or volunteer has the intent to abuse, arouse, or gratify sexual desire;
 6. Any attempt, threat, or request by a staff member, contractor, or volunteer to engage in the activities described in paragraphs 1 – 5 of this section;
 7. Any display by a staff member, contractor, or volunteer of his or her uncovered genitalia, buttocks, or breast in the presence of a youth; and
 8. Voyeurism by a staff member, contractor, or volunteer.
- q. Sexual Harassment:
1. Repeated or unwelcome sexual advances, requests for sexual favors, or verbal comments, gestures, or actions of a derogatory or offensive sexual nature by one youth directed toward another; and
 2. Repeated or unwelcome verbal comments or gestures of a sexual nature to youth by a staff member, contractor, or volunteer, including demeaning references to gender, sexually suggestive or derogatory comments about body or clothing, or obscene language or gestures.
- r. Sexual Misconduct: any act of sexual abuse and/or sexual harassment as defined herein
- s. Staff: an employee of the Facility, an employee of a contracted provider, a person contracted by a contracted provider.
- t. Strip search: a search that required youth to remove or arrange some or all of their clothing so as to permit a visual inspection of the youths breast, buttocks, or genitalia.
- u. Transgender: a person whose gender identity (i.e., internal sense of feeling male or female) is different from the person's assigned sex at birth.

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- v. Substantiated allegation (sustained): an allegation where the preponderance of evidence of the incident indicates that the incident subject violated existing statutes, rule or other regulatory guidance.
- w. Unfounded allegation: an allegation where the preponderance of evidence of the incident indicates that the incident cannot be determined based on a lack of facts or evidence that the incident subject violated existing statutes, rules, or other regulatory guidance.
- x. Unsubstantiated allegation (not sustained): an allegation where the preponderance of evidence of the incident does not indicate that the incident subject violated existing statutes, rules or other regulatory guidance.
- y. Volunteer: an individual who donates time and effort on a recurring basis to enhance the activities and programs of the facility.
- z. Voyeurism by a staff member, contractor, or volunteer: observing a youth for a purpose that is unrelated to official duties or where the person has the intent to abuse, arouse, or gratify sexual desire, such as peering at a youth who is using a toilet to perform bodily functions, requiring a youth to expose their buttocks, genitals or breasts; or taking images of all or part of a youth's naked body or of a youth performing bodily functions.
- aa. Youth: any person under the supervision or care of the agency.

Policy:

Natchez Trace Youth Academy has a zero tolerance for any acts of sexual abuse, assault, misconduct or harassment. Sexual activity between staff, volunteers or contracted personnel and youth, as well as between youth and youth is prohibited and subject to administrative and criminal disciplinary sanctions. NTYA staff are subject to disciplinary sanctions up to and including termination for violating this policy. Any NTYA Employee, Contactor or Volunteer who engages in sexual abuse will be reported to law enforcement agencies, unless the activity was clearly not criminal, and to relevant licensing bodies. Any NTYA Employee, Contactor or Volunteer who engages in sexual abuse will be prohibited from contact with residents. NTYA reserves the right to prohibit further contact

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by any NTYA Employee, Contractor or Volunteer who has violated the facilities sexual abuse or sexual harassment policies. NTYA will take appropriate measures and consider all cases. All disciplinary sanctions for violations of agency policies relating to sexual abuse or sexual harassment are commensurate with the nature and circumstances of the acts committed, the staff member's disciplinary history, and the sanctions imposed for comparable offenses by other staff with similar histories. All terminations for violations of agency sexual abuse or sexual harassment policies, or resignations by staff who would have been terminated if not for their resignation, are reported to law enforcement agencies, unless the activity was clearly not criminal, and to any relevant licensing bodies. NTYA staff shall take prudent measures to ensure the safety of both youth and staff. All employees, contractors, volunteers and youth shall have a clear understanding that a sexual relationship with an individual under the NTYA supervision is strictly prohibited and is a serious breach of employee conduct. All contracts with providers shall include the contracting entity's obligation to adopt and comply with the PREA standards outlined in NTYA PREA Policy. Contracted providers will be subject to PREA audits, including contract monitoring to ensure compliance.

Procedures:

- A. The PREA Facility Compliance Manager shall ensure that all mandated requirements or this policy, state and federal requirements are met. This shall include:
 - 1. Responsible for oversight of the facility implementation and compliance efforts as they relate to PREA standards, as well as applicable state and federal laws.
 - 2. Coordinate and communicate on a regular basis with the Tennessee DCS PREA Program Manager and NTYA's CEO as to the facility's compliance with PREA standards.
 - 3. Responsible for hands-on involvement with the auditors conducting reviews at the facility and for developing corrective action plans as necessary as a result of the audit report.
 - 4. Responsible for ensuring all PREA training is conducted as required at the facility, and that all of the staff has been properly trained on PREA prior to their interaction with youth at the facility.
 - 5. Responsible for ensuring that youth have access to information regarding PREA, the NTYA zero-tolerance policy on sexual misconduct, and that information is readily available to youth if they need to report any incident.
 - 6. Responsible for ensuring confidentiality of reported information and monitoring any retaliation that may happen as a result of a reported incident.

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B. Screening for Sexual Abuse and/or Sexual Victimization at Admission

1. All youth admitted to the facility shall be screened for vulnerability to victimization and sexually aggressive behavior within 72 hours of admittance using the DCS Assessment, Checklist and Protocol for Behavior and Risk for Victimization Form CS-0946. While there is no repercussion for youth who refuse to answer any questions from the form, an attempt should be made to obtain the youth's initials at each question they refuse to answer.
2. Youth identified as sexually aggressive or vulnerable to victimization shall be placed permanently on a Q-15 watch.
3. All entries on the Q-15 paper of any youth placed on a permanent Q-15 in reference to the status of an aggressive youth or a victimized youth shall not contain any specifics, nor shall any specifics be identified to staff or other youth unless there is a documented need-to-know basis. If a youths' status changes, appropriate changed will be made regarding the Q-15.
4. Room assignments by staff shall ensure a youth's potential for victimization or predatory risk has been reviewed through screening tools to ensure placement with any roommate does not pose a risk.
5. Youth who identify as lesbian, gay, bisexual, transgender, or intersex shall be placed in housing.
6. New information gathered regarding prior aggressive sexual behaviors or having been a victim shall be documented in the youth's file and the information shall be forwarded to the youth's Therapist for further investigation, regardless if having been previously reported or already identified in the youth's file. All information regarding sensitive information shall be on a need-to-know basis and shall not be exploited to the youth's detriment by staff or other youth.
7. If the youth discloses prior sexual victimization or perpetrated sexual abuse based on the intake screening information, health/mental health screening information or health history information gathered, whether it occurred in a facility setting or in the community, then staff shall ensure the youth is referred for medical and mental health services within fourteen (14) days of the screening.

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- a. If youth reports having been a victim of sexual abuse and this information has already been reported to appropriate enforcement agencies, no further reporting is required.
 - b. If the youth reports they have sexually abused another, regardless of having been previously reported, this must be called into appropriate enforcement agencies (law enforcement, DCS, CPS).
8. If the youth discloses a youth-on-youth abuse or victimization, an immediate referral to mental health for a crisis assessment and mental health practitioner will attempt to conduct a mental health evaluation within sixty (60) days of referral of such abuse history and offer treatment when deemed appropriate.
9. Staff shall ensure that any report of sexual abuse obtained during screening be immediately reported to the proper authorities if the abuse has not been previously reported.
10. Although there is a grievance procedure available for the youth, policy dictates that PREA allegations are not officially utilized by the youth in this capacity.
- C. Information gathered from screenings related to sexual victimization or abusiveness shall be strictly limited to medical and mental health practitioners and other staff, as required by NTYA policy and Federal, state, or local law, to guide treatment plans and security and management decisions, including housing, bed, education, and program assignments.
- a. Lesbian, gay, bisexual, transgender, or intersex residents shall not be placed in particular housing, bed, or other assignments solely based on their identification or status. NTYA will not consider the LGBTI resident's identification or status as an indicator of being sexually abusive.
 - b. When deciding the housing and bed placement of a transgender or intersex resident, NTYA shall consider on a case-by-case basis whether the placement would ensure the residents health and safety, and whether the placement would present management or security problems. Placement and assignments for each transgender and intersex resident should be reassessed at least monthly to review any threats to safety experienced by the resident.
 - c. A transgender or intersex resident's own views with respect to his own safety shall be given serious consideration.

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- d. Transgender and intersex residents shall be given the opportunity to shower separately from other residents.

Youth management and Services

1. Supervision and monitoring

- a. The PREA Facility Compliance Manager shall periodically review the staffing plan to ensure adequate levels of staffing and, where applicable, video monitoring, are in place to protect youth against sexual misconduct.

- i. NTYA facility has developed, implemented, and documented a staffing plan that provides adequate levels of staffing to protect residents against sexual abuse. In calculating adequate staffing levels and video monitoring, this facility took the following into consideration:

- 1. general juvenile facility practices,
 - 2. any internal findings of inadequacy,
 - 3. any findings of inadequacy from State or Federal investigative agencies,
 - 4. inadequacy from internal or external oversight bodies,
 - 5. all components of the building- including blind spots, composition of resident population,
 - 6. the number and placement of direct care staff,
 - 7. programs occurring on a particular shift,
 - 8. any applicable State or local laws, regulations, or standards,
 - 9. the prevalence or substantiated and unsubstantiated incidents of sexual abuse
 - 10. any other relevant factors

- ii. the agency shall assess, determine, and document whether adjustments are needed to the staffing plan established, prevailing staffing patterns, the facilities deployment of video monitoring systems and other monitoring technologies, and

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the resources the facility has available to commit to ensure adherence to the staffing plan.

- b. Staffing ratios shall be in compliance with contractual requirements.
- c. Shift managers shall conduct unannounced rounds, at a minimum of two times per shift, in order to ensure proper monitoring of the youth is occurring. These rounds shall be documented on the Q 15 checksheets.
- d. Staff is prohibited from alerting other staff of the supervisor's rounds, unless it is related to the legitimate operational functions of the facility. Staff alerting other staff shall receive disciplinary sanctions.

2. Cross-gender Viewing and Searches

- a. All searches will conform to NTYA policy in which states at no time a cross gender search should be permitted.
- b. Cross-gender viewing and searches is strictly prohibited at NTYA. This facility does not conduct cross-gender strip searches or cross-gender visual body cavity searches (meaning a search of the anal or genital opening). Cavity searches can only be performed by a medical practitioner in exigent circumstances.
- c. Staff shall not search or physically examine a transgender or intersex youth for the sole purpose of determining the youth's genital status. If the genital status is unknown, it may be determined during conversation with the youth, review of the medical records, or if necessary, by learning that information as part of the broader medical examination conducted in private by a medical practitioner.
- d. The facility will ensure that youth have access to shower, perform bodily functions, and change clothing without nonmedical staff of the opposite gender viewing their breasts, buttocks or genitalia, except in exigent circumstances or when such viewing is incidental to routine checks.
- e. Transgender or intersex youth shall be given the opportunity to shower separately from other youth.

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- f. Staff of the opposite sex shall announce their presence when entering a youth housing area where youth are likely to be showering, performing bodily functions, or changing clothing.
 - g. It is required by PREA standards that cross gender pat down training shall be provided, so all employees will have this annual training, but the facility policy still stands with no cross gender searches.
3. Ongoing Medical and Mental Health Care for Sexual Abuse Victims and Abusers
- a. Victims: the facility shall offer medical and mental health evaluations, and as appropriate, treatment of all youth who have been victimized by sexual misconduct. Victims shall also be provided with medical and mental health services consistent with the community level of care.
 - i. Resident victims of sexual abuse during the course of treatment will be offered tests for sexually transmitted infections.
 - ii. Treatment services shall be provided to the victim at no cost regardless if the victim names the abuser or cooperates with any investigations.
 - b. Youth Sexual Abusers: the facility shall ensure youth sexual abusers have access to appropriate medical and mental health services, and as appropriate treatment consistent with the community level of care.
4. Youth Access to Outside Support Services and Legal Representation
- a. Youth shall have access to outside victim advocates for emotional support services related to sexual misconduct. The facility shall post, provide, or otherwise make accessible mailing addresses and telephone number, including hotline numbers of local, state, or national victim advocacy or rape crisis organizations. Such communications shall be available in as confidential a manner as possible.
 - b. Youth shall have reasonable and confidential access to their attorney or other legal representation, their parents, or legal guardians for reporting of sexual allegations. Youth shall have unimpeded access and means, including written, to submit or report sexual allegations.

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- c. The PREA Facility Compliance Manager shall communicate with the Facility to see if resources are already identified in the area.
 - 5. Access to Emergency Medical and Mental Health Services
 - a. NTYA will utilize the following agencies- local hospitals, and Youth Villages Crisis for obtaining medical and mental health services for a victim of sexual abuse. Treatment services will be provided to the victim without financial cost and regardless of whether the victim names the abuser or cooperates with any investigation arising out of the incident. All staff first responders will immediately notify the appropriate medical and mental health facilities when an incident is reported. All victims of sexual abuse will receive timely, unimpeded access to emergency medical treatment and crisis intervention services. Victims of sexual abuse will also be offered timely information about sexually transmitted infection medication by an authorized physician.
- D. Reporting an allegation of sexual misconduct during the youth's stay at the facility. –Grievances.
 - 1. All allegations of sexual misconduct or youth-on-youth sexual activity shall be reported to Child Protective Services (CPS- **1-877-237-0004**) within 24 hours.
 - 2. There is no time limit when a youth may submit a grievance regarding an allegation of sexual misconduct. Grievance forms are located in all common areas assessable to the youth. Although there is a grievance procedure available for the youth, policy dictates that PREA allegations are not officially utilized by the youth in this capacity.
 - 3. Youth shall be permitted to privately report sexual misconduct, retaliation by other youth or staff for reporting sexual misconduct, and staff neglect or violation of responsibilities that may have contributed to such incidents through their grievance system or conversation with a staff person, case manager, therapist, supervisor, or the PREA Facility Compliance Manager.
 - 4. The PREA Facility Compliance Manager shall ensure that youth with disabilities, including youth who are deaf/hard of hearing, blind/low vision, or those who have intellectual, developmental, psychiatric, or speech disabilities, have an equal opportunity to participate in or benefit from all aspects of the facilities efforts to prevent, detect, and respond to sexual misconduct. The facility

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will also ensure meaningful access to its efforts to prevent, detect, and respond to sexual misconduct to youth who are limited English proficient, including steps to provide interpreters who can interpret effectively, accurately, and impartially, both receptively and expressively, using any necessary specialized vocabulary. The facility may not use youth or staff as interpreters, readers or other assistants to perform such functions except in limited circumstances where an extended delay in obtaining an effective interpreter/reader/assistant could compromise the youth's safety, the performance of the first responder duties, or the investigation of the youth's allegations.

5. Any staff that receives a report of sexual misconduct or possible sexual misconduct must ensure that it is immediately reported to their immediate supervisor. The shift manager shall ensure that it is reported to the PREA Facility Compliance Manager and appropriate directors. Reports can be received verbally, in writing, anonymously, and from third parties. All verbal reports shall be documented promptly and reported accordingly. Apart from reporting to designated supervisors and directors staff is prohibited from revealing any information related to a sexual misconduct report to anyone other than the extent necessary to make treatment, investigation, and other security and management decisions. While victims and complainants may report anonymously, staff that follow up to report the allegations shall not be afforded anonymous status.
6. All staff are required to immediately report any knowledge, suspicion, or information received regarding: any incident that has occurred in the facility; retaliation against youth or staff who report sexual misconduct; and any staff neglect or violation of responsibilities that may have contributed to an incident of sexual misconduct or retaliation to the local law enforcement and to CPS as required by mandatory reporting laws and NTYA policy.
7. If staff learns that a youth is subject to a substantial risk of imminent sexual misconduct, they shall take immediate action to protect the youth from further harm or threat. Also, if staff learns a youth posts a substantial risk of sexually abusing other youth in the facility, they shall take immediate action to protect other youth from further harm or threat.

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8. Medical, case managers and mental health practitioners are required to report sexual misconduct to designated supervisors and Directors, CPS, law enforcement if criminal in nature, and the Abuse Registry. Said practitioners must inform residents at the initiation of services of their duty to report and the limitation of confidentiality.
9. Apart from reporting to designated supervisors or officials, all staff should only reveal information to those individuals who have a need-to-know basis to make treatment, investigate or other security and management decisions.
10. Staff will fully cooperate with any law enforcement investigation of sexual abuse.
11. Section 39-13-527, Tennessee Statutes, makes certain acts of sexual misconduct between youth and staff person a felony. The youth's consent to sexual acts with a staff member is not a defense under this subsection of the law.
12. Youth who are the victim of a sexual abuse shall be provided prompt and appropriate medical and mental health treatment by medical and mental health practitioners after the first responder involvement by medical and law enforcement personnel.
13. Youth shall be advised that any person who knowingly and willfully makes a false report of abuse or counsels another to make a false report is guilty of a felony. Anyone reporting in good faith shall be immune from any civil or criminal liability.
14. A report of sexual misconduct made in good faith based upon a reasonable belief that the alleged conduct occurred shall not constitute falsely reporting an incident, even if an investigation does not establish evidence sufficient to substantiate the allegations.
15. Youth and staff who have reported sexual misconduct shall be provided protection against retaliation. Accommodations will include housing changes and removal of alleged staff or youth from contact with victims. Emotional support services for youth or staff that fears retaliation for reporting or cooperating with investigations will be available.
16. At each thirty (30) day period, the PREA Facility Compliance Manager shall determine that the conduct or treatment of any youth or staff who reported sexual misconduct and the victims is treated according to policy and make sure no retaliation is occurring. Items to be monitored

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include youth disciplinary reports, status checks, housing or program changes, negative performance review or reassignment of staff. The obligation to monitor terminates if the allegation is determined to be unfounded.

17. Youth shall be subject to disciplinary actions when found guilty by administrative finding that youth engaged in resident-on-resident sexual abuse or following a criminal finding of guilt for resident-on-resident sexual abuse. The disciplinary process shall consider whether the youth's mental illness or mental disabilities contributed to his or her behavior when determining what type of action, if any, should be imposed.
18. Any disciplinary actions given to the youth will be commensurate with the nature and circumstances of the abuse committed, the youth's disciplinary history, and the actions imposed for comparable offenses by other youth with similar histories. If disciplinary actions results in placing the youth on precaution watch, NTYA shall not deny the resident daily large-muscle exercise, educational programs, or special education services. Youth will continue with normal program activities.
19. NTYA may discipline the youth for sexual contact with staff only upon finding that the staff member did not consent to such contact.

E. Responding to Abuse Reports

1. Upon the discovery of an incident defined as sexual abuse, staff shall take immediate action to ensure the safety of the victim and to notify appropriate directors and medical personnel. These actions include but are not limited to: identifying victim(s), suspect(s), separating the alleged victim and abuser, and making every attempt to preserve evidence. Staff shall ask the alleged victim not to destroy evidence and ensure the alleged perpetrator does not destroy evidence.
2. Immediate reporting must be made to the A.R.T. - Abuse Response Team, providing as much information and detail as possible about the incident(s) and victim(s), and suspect(s) or witnesses. The ART will notify NTYA Directors. Other than making appropriate notification to Directors, staff should take no further actions other than those directed by law enforcement or first responders.

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3. It is essential that the garments/clothing worn by those involved and the scenes where alleged act(s) occurred be protected to ensure that evidence is not further contaminated. Staff shall secure any evidence until the arrival of law enforcement- keeping control over the evidence or scene and documenting any access to or deviation regarding access to that evidence.
4. Staff shall not discuss any facts of the incidents with anyone except those directly involved in response or investigation of the incident. All of this information is reportable to law enforcement and subsequent investigators
5. Upon receipt of notice that any sexual abuse has occurred within the last 72 hours, staff shall take the following actions:
 - a. Ensure the victim is safe by separating the alleged victim and abuser
 - b. The victim will not shower and be taken to the nursing department for assessment
 - c. Do not question the youth, other than to obtain basic information such as where the incident occurred and who may be involved. This includes questioning the victim or alleged perpetrator to obtain further information.
 - d. Immediately preserve the area where the incident allegedly occurred, including ensuring that bedding, clothing or related material are not disposed of or cleaned up by staff and keep those material secure and free from contamination by anyone else until instructed to do differently by law enforcement.
 - e. Immediately notify the Shift Manager and nursing department on your shift. The Shift Manager will then notify the appropriate directors.
 - f. After collecting the facts of the incident, the victim will be transported to the emergency room for medical evaluation
 - g. Do not discuss the facts of the incident with anyone except those directly involved in response or investigation of the incident.
 - h. If the subject is in the care and custody of the facility, do not notify them of the victim's report, but take adequate steps to ensure the safety of the youth, and report suspect or subject information to law enforcement upon their arrival.

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- i. Cooperate fully with law enforcement
- 6. Upon receipt of notice that any sexual abuse has occurred longer than 72 hours ago, staff shall take the following actions:
 - a. Ensure the victim is safe, has no further contact with the alleged subject (youth or staff) by separating the alleged victim and abuser, and take victim to be medically cleared.
 - b. Do not question the youth, other than to obtain basic information such as where the incident occurred and who may be involved.
 - c. Immediately preserve the area where the incident allegedly occurred, including ensuring that bedding, clothing or related material are not disposed of or cleaned up by staff and keep those material secure or free from contamination by anyone else until instructed to do differently by law enforcement.
 - d. Immediately notify the shift manager and nursing staff on your shift. The shift manager will then notify the appropriate directors.
 - e. Do not discuss the facts of the incident with anyone except those directly involved in response or investigation of the incident.
 - f. If the subject is in the care and custody of the facility, do not notify them of the victim's report, but take adequate steps to ensure the safety of the youth, and report suspect or subject information to law enforcement upon their arrival.
 - g. Cooperate fully with law enforcement.
- 7. The Team of Directors shall notify the alleged victim's parents or legal guardians; unless there is official documentation showing the parents or legal guardians should not be notified. If the youth is under DCS custody, the caseworker shall be notified. If applicable, the youth's attorney or other legal representative on record shall be notified of the allegation within fourteen (14) days of receiving the allegation.
- F. Reporting to other confinement facilities
 - a. Upon receiving an allegation that a resident was sexually abused while confined at another facility, the head of the facility (NTYA's CEO) will notify the head of the facility or appropriate

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- office of the agency where the alleged abuse occurred and shall also notify the appropriate investigative agency.
- b. Notification will be as soon as possible and no later than 72 hours after receiving the allegation.
 - c. Documentation of notification will be provided.
 - d. The facility head or agency office that receives such notification will ensure that the allegation is investigated in accordance with PREA standards.
- G. Post-allegation protective custody
- a. Any use of segregated housing to protect a resident who is alleged to have suffered sexual abuse shall be subject to the requirements of section C of this policy or PREA standard 115.342
- H. Investigations
- 1. Local law enforcement and the Department of Children Services (DCS) handle the investigation involving youth in Tennessee. Staff is expected to cooperate with the investigation.
 - 2. The Facility Risk Manager and Director of Operations conduct administrative investigations, separate and apart from the criminal investigations, to identify any misconduct by staff as related to department regulator guidance. Staff is expected to cooperate with the Facility Risk Manager and Director of Operations.
 - 3. Sexual Misconduct Review and Review Team: the facility shall conduct a sexual misconduct incident review at the conclusion of every sexual misconduct investigation or administrative review, including those where the allegation has not been substantiated, unless the allegation has been determined to be unfounded. This review shall ordinarily be conducted within thirty (30) days of the conclusion of the investigation by a Review Team.
 - a. NTYA has created a Review Team that consists of:

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- i. PREA Facility Compliance Manager
 - ii. Human Resource Manager
 - iii. Director of Operations
 - iv. Group Living Director
 - v. Director of Nursing
- b. The Review Team shall:
- i. Consider whether the allegation or investigation indicates a need to change policy or practice to better prevent, detect, or respond to sexual misconduct.
 - ii. Consider whether the incident or allegation was motivated by race; ethnicity; gender identity; lesbian, gay, bisexual, transgender, or intersex identification, status or perceived status; or gang affiliation; or was motivated or otherwise caused by other group dynamics at the facility
 - iii. Examine the area in the facility where the incident allegedly occurred to assess whether physical barriers in the area may enable abuse.
 - iv. Assess the adequacy of staffing levels in the area may enable abuse.
 - v. Assess whether monitoring technology should be deployed or augmented to supplement supervision by staff.
 - vi. Prepare a report of the Team findings, including but not necessarily limited to items i-v above, and any recommendations for improvement and submit such report to the CEO. The report shall include recommendations for improvement. All the recommendations shall be implemented, or justification provided for not implementing said recommendations.
4. At the conclusion of any law enforcement investigation where a sexual abuse incident has been reported, the victim or victim's parents or legal guardians should be notified that the investigation is concluded, either by the investigating law enforcement agency or through a victim services agency officer or representative. At the conclusion of the CEO's administrative investigation, the victim's parents or legal guardians will be notified.

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5. Following an investigation into a resident's allegation of sexual abuse suffered in our facility, PREA Compliance Manager shall inform the resident the outcome of the allegation investigation, whether it to be determined to be substantiated, unsubstantiated, or unfounded.
 - a. Following a resident's allegation that a staff member has committed sexual abuse against the resident, NTYA shall inform the resident whenever: the direct care staff is no longer posted within the resident's unit.
 - b. Following a resident's allegation that they have been sexually abused by another resident, NTYA shall inform the victim whenever the alleged abuser has been indicated or convicted on a charge related to sexual abuse within our facility.
 - c. All notifications or attempted notifications shall be documented.
- I. Hiring and Promotion Decisions- will follow NTYA Employee Handbook policy.
 - a. The agency shall not hire or promote anyone who may have contact with the residents and shall not enlist the services of any contractor who may have contact with the residents, who-
 - i. Have engaged in sexual abuse in a prison, jail, lockup, community confinement or juvenile facility, or other institution (as defined in 42 U.S.C. 1997)
 - ii. Has been convicted of engaging or attempting to engage in sexual activity in the community facilitated by force, overt or implied threats of force, or coercion, or if the victim did not consent or was unable to consent or refuse
 - iii. Has been civilly or administratively adjudicated to have engaged in the activity described in paragraph ii of this section
 1. NTYA will consider any incidents of sexual harassment in determining whether to hire or promote anyone, or to enlist the services of any contractor, who may have contact with residents
 2. Before hiring new employees, who may have contact with residents, NTYA shall
 - a. Perform a criminal background records check
 - b. Consult any child abuse registry maintained by the State

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sexual misconduct policies, including how to report sexual misconduct, is conveyed verbally to youth with limited reading skills or who are visually impaired, deaf or otherwise disabled.

- b. NTYA shall provide additional comprehensive training to all youth within 10 days of intake regarding: their rights to be free from sexual misconduct; their rights to be free from retaliation for reporting such misconduct; and the agency’s sexual misconduct response policies and procedures. This information will be readily available to all youth at all facilities. NTYA shall retain all documentation of youth participation.
- c. The facility shall ensure that information regarding NTYA policy on zero-tolerance of sexual misconduct will be posted and visible to all youth at the facility, including posters and brochures.

M. Audits

- a. Audits are mandated by the Prison Rape Elimination Act at the minimum of once every three years.
- b. Auditors shall have access to enter and tour the facility to review documents, interview staff and interview youth in order to conduct a comprehensive audit
- c. The Administrator shall ensure that staff comply with the audit and provide information requested in a timely manner.

N. Data Collections

- a. The facility shall ensure that records are maintained and securely retained.
- b. The Facility Risk Manager shall ensure that requests for additional information from the State PREA Coordinator are responded to in a timely manner.

APPLICABILITY: All youth, staff, volunteers, and contractors.

TRAINING: All youth, staff, volunteers, and contractors.

EFFECTIVE DATE: June 01, 2015

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REFERENCES: Prison Rape Elimination Act of 2003 C.F.R part 115, Natchez Trace Youth Academy Employee Handbook, Tennessee Department of Children's Services.